

AMENDMENT under 37 C.F.R. § 1.116
U.S. Application No.: 09/814,052

Attorney Docket No.: Q63455

AMENDMENTS TO THE DRAWINGS

Applicant is submitting herewith 2 formal drawings as replacement sheets for Figs. 2a and 2b, as requested by the Examiner.

Attachment: 2 Replacement Sheets

REMARKS

Claims 1-16 have been examined, and have been rejected under 35 U.S.C. § 103(a).

I. Preliminary Matters

As requested by the Examiner, Applicant is submitting herewith 2 formal drawings for Figs. 2a and 2b, which were informally corrected in the June 14, 2004, Amendment.

II. Rejection of claims 1-3 and 10-13 under 35 U.S.C. § 103(a) over WO 99/49690 to Magnusson et al. ("Magnusson") in view of U.S. Patent No. 6,351,638 to Robinson ("Robinson").

The Examiner has rejected claims 1-3 and 10-13 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Magnusson in view of Robinson.

A. Claim 1

Applicant submits that claim 1 is patentable over the cited references. For example, claim 1 recites that the wireless subscriber terminal transmits identification codes for all the radio transmission modes, by which the transceiver of the subscriber terminal can transmit and receive radio signals, to the base station. The control means for the base station then creates a priority list by means of the identification codes transmitted by the subscriber terminal. The identification codes are listed in the priority list in an order of precedence dependent on the size of respective availability values.

Since the above features were originally recited in claim 6, Applicant refers to the Examiner's rejection of claim 6. In particular, the Examiner acknowledges that Magnusson,

Robinson and Kojima fail to disclose the above features, but contends that Berggren does (pg. 13 of Office Action). In support, the Examiner has cited to col. 4, lines 19-25, col. 7, lines 24-36 and col. 8, line 66 to col. 9, line 2 of Berggren as disclosing the above features. Applicant respectfully traverses the rejection.

In regard to col. 4, lines 19-25, Berggren merely discloses that a type of pre-selection can be made to have all calls routed pursuant to service in a cordless telephone network when it is available, and routed pursuant to a cellular communication network when communication via cordless telephone network is unavailable. Such disclosure does not teach a transmission of all identification codes for all radio transmission modes by which a transceiver of a subscriber terminal can transmit and receive radio signals, as recited in claim 1. Rather, the cited portion of Berggren is merely a pre-selection or instruction to have all calls routed one way or another.

In regard to col. 7, lines 24-36, Berggren merely discloses that if the transceiver 12 is positioned at a location permitting communication by either the cellular network 16 or the cordless telephone network 18, data related to the preferred service is retrieved from memory device 36 of the transceiver 12 and sent to be stored in a service node 48. Further, the cited disclosure indicates that if only one service is available, that service is stored in the service node 48, or if an other-than-preferred service is the only available service, that service is used until the preferred service is available.

Applicant submits that the above disclosure of Berggren also fails to teach that a subscriber terminal transmits a list of identification codes for all radio transmission modes by

which the transceiver of a subscriber terminal can transmit and receive radio signals, and that a control means of a base station then creates the priority list, as recited in claim 1. Rather, assuming *arguendo* that the Examiner maintains that the transceiver 12 of Berggren discloses the claimed subscriber terminal, the transceiver 12 already knows which service is preferred, and no list needs to be evaluated and prepared in a control means of a base station (i.e., see above disclosure cited in Berggren).

Finally, in regard to col. 8, line 66 to col. 9, line 2, Berggren discloses similar features as set forth above. In particular, if only one service is available, the circuit 32 of the transceiver 12 selects that service, and if both services, i.e., cellular and cordless, are available, a preferred service is selected. Applicant submits that such portion still fails to disclose that the transceiver 12 ever sends identification codes of all available radio transmission modes to a base station, and then a control means of the base station creates a priority list, as recited in claim 1. Rather, Berggren discloses that the transceiver 12 already knows which service it prefers.

In view of the above, Applicant submits that claim 1 is patentable over the cited references, and respectfully requests the Examiner to reconsider and withdraw the rejection.

B. Claims 2 and 3

Since claims 2 and 3 are dependent upon claim 1, Applicant submits that such claims are patentable at least by virtue of their dependency.

C. Claims 10-13

Since claims 10-13 contain features that are analogous to the features recited in claim 1, Applicant submits that such claims are patentable for at least analogous reasons as claim 1.

III. Rejection of claims 4-5, 14 and 16 under 35 U.S.C. § 103(a) over Magnusson in view of Robinson and further in view of U.S. Patent No. 5,590,397 to Kojima (“Kojima”).

The Examiner has rejected claims 4, 5, 14 and 16 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Magnusson, Robinson and Kojima.

A. Claim 4

Since claim 4 has been canceled, without prejudice or disclaimer, and has been incorporated into claim 1, Applicant submits that the rejection of such claim is now moot.

B. Claim 5

Since claim 5 is dependent upon claim 1, Applicant submits that such claim is patentable at least by virtue of its dependency.

C. Claim 14

Since claim 14 has been canceled, without prejudice or disclaimer, and has been incorporated into claim 13, Applicant submits that the rejection of such claim is now moot.

D. Claim 16

Since claim 16 is dependent upon claim 13, Applicant submits that such claim is patentable at least by virtue of its dependency.

IV. Rejection of claims 6-9 and 15 under 35 U.S.C. § 103(a) over Magnusson, Robinson, Kojima and U.S. Patent No. 5,963,863 to Berggren ("Berggren").

The Examiner has rejected claims 6-9 and 15 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Magnusson, Robinson, Kojima and Berggren.

A. Claim 6

Since claim 6 has been canceled, without prejudice or disclaimer, and has been incorporated into claim 1, Applicant refers the Examiner to the comments provided for claim 1.

B. Claims 7-9

Since claims 7-9 are dependent upon claim 1, Applicant submits that such claims are patentable at least by virtue of their dependency.

C. Claim 15

Since claim 15 has been canceled, without prejudice or disclaimer, and has been incorporated into claim 13, Applicant refers the Examiner to the comments provided above for claim 13.

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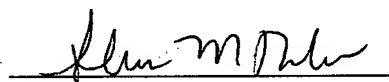
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V. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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CUSTOMER NUMBER

Date: **March 15, 2005**